UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1995/ 156
1 March 1995

ORIGINAL : ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 1 March 1995 from the Chargé d'affaires a.i.of the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

I would like to transmit herewith the comments of the Government of the Republic of Croatia on the ninth report of Mr. Tadeuz Mazowiecki, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia (A/ 49/ 641- S/ 1994/ 1252 of 4. November 1994).

I have the honour to ask you to circulate these comments as an official document under item 12 of the agenda of the fifty-first session of the Commission on Human Rights.

(Signed) Neven Madey

GE.95-11425

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H.E. Tadeusz Mazowiecki
Special Rapporteur of the United Nations
Commission for Human Rights
for the Territory of Former Yugoslavia
UNITED NATIONS CENTRE FOR HUMAN RIGHTS
PALAIS DES NATIONS
GENEVA

Excellency,

I would like to thank you for your efforts made in the framework of your mandate as Special Rapporteur of the UN Commission for Human Rights for the Territory of Former Yugoslavia.

I wish to forward the information I have received so far from the Ministry of Defence, the Ministry of the Interior, the Ministry of Health, the Ministry of Justice, and the Croatian Government Office for Displaced Persons and Refugees.

Regarding the Ninth Periodical Report on the status of human rights in the territory of the Republic of Croatia, I wish to let you know that the Croatian Government has requested the competent ministries to review and examine the allegations in the Report which they consider inaccurate or incomplete.

I avail myself of the opportunity to reiterate, the unawavering commitment of my Government to the overall development of the democratic system, rule of law and human rights in Croatia. Along these lines, and regardless of the numerous obstacles created most of all by the consequences of the Serbian aggression against Croatia, we have worked with determination and cooperated closely with you, as well as with international and European institutions with a view to foster a quick inclusion of Croatia in the European integrations as well as in the interest of an overall peaceful and just solution of the present crisis in croatia and our region.

Looking forward to our further cooperation, please accept, Excellency, the assurances of my highest consideration.

dr. Mate Granić
Deputy Prime Minister and
Minister of Foreign Affairs

STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF CROATIA REGARDING THE NINTH PERIODICAL REPORT ON THE STATUS OF HUMAN RIGHTS ON THE TERRITORY OF THE REPUBLIC OF CROATIA

The work of judicial bodies

Paragraph 97)

In paragraph 97 of the Ninth Report on the functioning of the judicial bodies in the Republic of Croatia the Special Rapporteur expresses his concern about grave irregularities allegedly occurred in the election of the members of the High Judiciary Council. These allegations have been checked by the Ministry of Justice which has found that the election procedure was carried out in compliance with the following current regulations:

Pursuant to Article 121 of the Constitution of the Republic of Croatia judges and public attorneys are nominated, relieved of duty or subjected to disciplinary hearing by the High Judiciary Council.

The High Judiciary Council is composed of its Chairman and 14 members being proposed by the House of Counties and elected by the House of Representatives of the Croatian Parliament for a term of eight years from among prominent judges, public attorneys, barristers and university law professors.

Based on the said constitutional provision, the High Judiciary Council Act was passed in 1993 defining the procedure for the election of the Chairman and members of the High Judiciary Council. In compliance with the said constitutional and legal provisions the House of Counties of the Croatian Parliament requested appropriate nomination proposals from the Supreme Court, the Minister of Justice, the Public Attorney, the Croatian Bar Association and the university colleges of Law.

Having obtained the opinions from competent parties the House of Counties presented to the House of Representatives a list of nominees for the Chairman and members of the High Judiciary Council who were then elected by the House of Representatives at their session in compliance with the said constitutional and legal provisions.

It is of a great importance to mention that the Constitutional Court of the Republic of Croatia declared by its latest ruling of 14 February 1995 that the provisions of the Statute of the High Judiciary Council in respect of the absence of public from the sessions of the Council are contrary to the provisions of the Constitution.

Considering the fact that in its work the High Judiciary Council has not yet appointed any judge, it would be premature to pass any judgment on the quality of its work.

Paragraph 98)

The Special Rapporteur states that some crimes committed in the territory of the Republic of Croatia in the years 1991 and 1992 "allegedly have never been legally investigated nor their perpetrators punished, although their identity is known". Specifically, the Special Rapporteur finds some deficiencies in the prosecution of persons who have committed criminal acts against Serbs. In this connection reference is made to the triadic division of power and the independence of the judiciary in the Republic of Croatia.

The provisions of the Constitution of the Republic of Croatia on fundamental human and civil rights and freedoms guarantee the equality of all citizens under the law. The Croatian citizens enjoy all the rights and freedoms irrespective of race, colour of skin, gender, language, religion, political or other beliefs, national or social origin, property status, birth, degree of education, social position or other properties.

Article 15 of the Constitution guarantees equality to persons belonging to any ethnic community or minority to the effect that they are free to manifest their ethnic identity, to use their native language and script and to enjoy cultural autonomy.

Article 20 of the Constitution prescribes personal responsibility for any violation of fundamental human and civil rights to the exclusion of any justification on the grounds of higher orders received.

As for the allegation under this paragraph of the Ninth Report, we wish to point out that the competent authorities, especially the Ministry of the Interior in co-operation with local courts and on the basis of measures taken and information collected, are doing their best to bring to justice all those, irrespective of their national or other background, who have in any way violated the current regulations of the Republic of Croatia.

Regarding the specific cases specified by the Special Rapporteur, there is a detailed file on each of them showing what actions have been taken by competent authorities. Without narrowly examining the methods of work being performed by these authorities within the scope of their powers and without interfering in the independent work of the judiciary, information has been collected on measures taken by them. It has been found that they have not failed to take actions envisaged by the law. Some of these cases are still examined, some files have been closed in the meantime. Below is an account of individual cases raised by the Special Rapporteur, showing the legal conduct of

the authorities concerned.

Regarding the murder of the Zec family from Zagreb, suspects were tried before the Zagreb County Court and subsequently before the Supreme Court. The suspects were freed of charges brought against them for murder of the members of the Zec family on the basis of the unsufficient evidence according to the rule of law and the presumtion of innocence.

Regarding the murder of Milan Krivokuća, born 1950, of Serbian nationality, the Ministry of the Interior informed us that the investigation had been carried out by the Investigating Judge of the Zagreb County Court and that criminal charges had been brought before the Public Attorney against the unknown perpetrator. Several hundred persons are said to have been heard so far, but no light has been shed on this murder and its motives. Actions are continued to trace down the perpetrator of this heavy criminal act.

As for the case of the married couple Gašparević of Croatian nationality, who were taken away from their flat on 7/8 February 1992 by unknown persons and shot dead, investigation was carried out by the Investigating Judge of the Split County Court and the local police. Their vehicle, with the radio recorder and the spare wheel missing, was found in the village of Grljavac near Split. Criminal charges were brought against unknown perpetrators. Police investigation is underway.

In the case of Ivan Nedeljković, murdered near the Lav Hotel, Split, it was found that he had been killed by more shots. Criminal charges were brought against the unknown perpetrator at the Public Attorney's Office in Split. So far there is no clue which may lead to the perpetrator.

As for the case of Špiro Pokrajac from Split, it was found that on 12/13 December 1991 three unknown men in army fatigue had taken him away from his flat in Split to unknown destination. The police found that Špiro Pokrajac had been shot dead. Criminal charges were brought against the unknown perpetrator at the Public Attorney's Office in Split. However, neither the perpetrator nor the victim's car have been found yet. The civilian and military police are still trying to clarify this murder.

In the case of Margareta Slavić of Croatian nationality, in October 1991 the police found that she had been strangled. The perpetrator was caught. It was found that the murder had been committed for gain and criminal charges were brought at the competent public attorney's office.

We wish to invite the Special Rapporteur to convey to the Croatian Public Attorney's Office any information which may be accessible to him in order to help the competent authorities in their efforts to trace unknown perpetrators.

Paragraph 101)

Under this paragraph the Special Rapporteur expresses his concern about the prolongation of extraordinary measures introduced in the course of 1991 and 1992, which

in his opinion poses a serious threat to human rights. The Report does not specify which measures are meant, so the Special Rapporteur is kindly requested to do so. At this stage, such general qualifications are commented as follows:

Considering the aftermaths of the war of aggression waged against Croatia and the fact that a part of the Croatian territory is still under occupation, we wish to point out that situations such as this, which may befall any state, require some limitations on the constitutionally guaranteed freedoms and rights. Defence measures taken in relation to an external enemy or a natural disaster necessarily curb the exercise of freedoms and rights and necessitate certain restrictions designed to counter the danger and to preserve the very existence of a political community.

It is virtually impossible to list all such potential situations, so the Croatian Constitution, Article 17, refers to the state of war, immediate danger to the independence and integrity of the Republic and major natural disasters as reasons for possible restrictions on the constitutionally guaranteed freedoms and rights. However, it is also stated that the extent of such restrictions must be suited to the extent of danger and that they must not result in any inequality of citizens in respect of race, colour of skin, gender, language, religion, nationality or social background.

In para. 3 of the said Article it is also explicitly stated that even in a situation of immediate danger to the existence of the state no restrictions can be imposed on the implementation of the constitutional provisions on the right to life, the prohibition of torture, cruel or humiliating treatment or punishment, the legal definition of punishable acts and the freedom of thought, conscience and religion.

Minority issues

Paragraph 102)

The Special Rapporteur states that allegedly in several cases the persons of Serbian nationality were arrested without any real reason and that violence was used in examination.

In respect of allegations contained in this paragraph of the Ninth Report, the Ministry of the Interior points out that in handling criminal and other illegal acts within its competence in order to bring perpetrators to justice the Ministry is acting in compliance with the Constitution and current legislation of the Republic of Croatia. The Ministry of the Interior is prepared to provide detailed information about any specified case.

The services of the Ministry of the Interior supervising the legality of work performed by their officers take disciplinary measures in any case involving the abuse of authority.

Paragraph 103)

Concerning the allegations in the Ninth Report about a campaign launched in the media against some Serbian employees of the Rovinj Hospital, supported by some "high-ranking Croatian politicians" (with quoted statements from an interview given to "Novi list" by the Minister of Health Dr. Hebrang), we can assure the Special Rapporteur that such allegations are unfounded, based as they are on an unauthorized interview, with wrong conclusions drawn on a full-scale media campaign.

We are forwarding you the letter that the Health Minister of the Republic of Croatia, Dr. Andrija Hebrang, asked us to forward to you, hoping that your reports are based on established facts and not on newspaper articles and unauthorized interviews.

Unlawful and forceful evictions

Paragraph 104-111)

In connection with the statements made and some cases of "unlawful and forceful evictions" from flats owned by the Ministry of Defence of the Republic of Croatia, I reiterate that all unlawful evictions must be prevented and the legal ones must be carried out in accordance with the prescribed procedure.

In accordance with regulations in force in the Republic of Croatia, in the case of controversial and unlawful moving into flats owned by the Ministry of Defence, the procedure of the eviction is initiated through the legal representative of the Republic of Croatia - Public Attorney's Office of the Republic of Croatia. Depending on the jurisdiction, eviction proceedings are conducted before courts or administrative bodies, while the evictions are carried out on the basis of final court rulings or rulings by administrative bodies.

In the execution of these rulings, courts and other competent bodies can request assistance from the Ministry of the Interior, which is obliged to offer such assistance if physical resistance is offered in the execution of these rulings, or if such resistance can be expected (Article 46, para.1 of the Law on Internal Affairs). In other words, the Ministry of the Interior offers its assistance only when rulings of courts and other competent bodies on somebody's right are carried out.

As for the two cases of evictions, we have already informed you in the previous correspondence that the allegations of unlawful conduct of policemen are unfounded.

We wish to point out once again that in the case of Mrs. Vesna Mošet the policemen were assisting in accordance with legal regulations in force and the rulings. On that occasion, several persons who did not want to leave the flat, offering active and passive resistance and preventing the policemen from doing their duty, suffered minor injuries while they were being taken to the police station in order to establish their identity.

In the other case of eviction, in which the members of HVIDRA took part, the police did not act because the members of that association did not turn up at the announced peaceful protest. It was established later on that, at that time, the members of HVIDRA went to the flat used by Mrs. Sena Kulenović and Mrs. Zoja Bujatović, and it was agreed that they would leave the flat. On that occasion the police did nor get any calls, not was it necessary to intervene to "protect the tenants" as stated in the report.

Legal basis for the eviction is the decision of the Parliament of the Republic of Croatia of 8 October 1991. The Republic of Croatia severed all constitutional and legal connections with the former Yugoslav federation. Under this decision, all acts of the federal authorities referring to the Republic of Croatia, adopted after entry into force of the decision, are considered null and void.

In accordance with the Decree on the Ban on the Disposal with Immovable Property on the Territory of the Republic of Croatia of 24 June 1991 and with the Decree on the Transition of the Property of the Former Yugoslav People's Army and the Federal Secretariat for National Defence on the Territory of the Republic of Croatia into the ownership of the Republic of Croatia, of the same date, flats which were formerly owned by the Yugoslav People's Army became the property of the Ministry of Defence of the Republic of Croatia.

The Law on Housing Relations from 1985 provides for administrative proceedings in the case of the eviction from unlawfully occupied flats. Under the Law, the competent administrative body is obliged to hand down a ruling within 15 days from the receipt of the request for proceedings. Such a ruling by the administrative body can be appealed against to a court, but the appeal does not suspend the execution of the ruling.

Following a large number of appeals and constitutional claims, the Constitutional Court of the Republic of Croatia, by its decision from 14 November 1994, initiated the proceedings for the evaluation of constitutionality of Article 94 of the Law on Housing Relations, which is the legal basis for procedure in most cases of forceful evictions. The main objection to the existing legal measure is that administrative instead of court jurisdiction is envisaged for the cases requiring forceful evictions.

We wish to point out that by the end of January 1995 the execution of 51 forceful evictions was postponed by separate decisions of the Constitutional Court of the Republic of Croatia until the final decision of the Constitutional Court is made.

Status of foreigners and refugees

Paragraph 112)

As for the statements of the Special Rapporteur on the number and nationality of displaced persons in the Republic of Croatia under this point, we point out that not only Croat and non-Serbian displaced persons are accommodated in Croatia. According to the

data available to the Government's Office for Displaced Persons and Refugees, 3,800 out of 190,000 displaced persons are Serbs expelled from the occupied parts of the Republic of Croatia. It is supposed that there are more displaced Serbs who have not applied for the status of a displaced person in the Republic of Croatia.

Paragraph 113)

Article 30 of the Law on Croatian Citizenship from 1991 stipulates that Croatian citizen is a person who has acquired that citizenship under the regulations in force up to the date of entry into force of the said Law (8 October 1991).

Persons with the place of residence in the Republic of Croatia, who have acquired the citizenship of another republic of the former SFRY, are considered foreigners and exercise their rights in accordance with the provisions of the Foreigners Act from 1991.

In other words, persons who had their place of residence in the Republic of Croatia on 8 October 1991 but were not Croatian citizens, did not become stateless persons because they are citizens of one of the republics of the former SFRY. In accordance with Article 79 of the Foreigners Act, they acquired the status of resident foreigners.

Further on, we point out that all inhabitants of the Republic of Croatia, who intend to live there permanently but are not Croatian citizens or do not intend to acquire Croatian citizenship although they fulfil legal prerequisites for it, are guaranteed further stay in the Republic of Croatia as resident foreigners. As the intention is the crucial factor for the acquisition of Croatian citizenship, all citizens who have not expressed their wish to acquire it are, in accordance with Article 79 of the Foreigners Act, guaranteed legal status in the Republic of Croatia. Such persons can apply for the acquisition of Croatian citizenship by naturalization, in accordance with the Law on Croatian Citizenship.

Paragraph 114)

In regard to the allegedly difficult position of persons in the accommodation centres for foreigners and to the alleged arbitrary denials of further stay in the Republic of Croatia to stateless persons as stated in the Ninth Report, we wish to point out the following:

There are three accommodation centres for foreigners in the Republic of Croatia (Dugo Selo, Rijeka and Obujan near Šibenik) accommodating 58 persons at the moment, of whom 9 are citizens of Serbia, 38 of Bosnia and Herzegovina, 3 of Macedonia, 4 of Albania, and one from Ethiopia, Ukraine, France and Jordan each.

Unlike it has been stated in the Ninth Report, the proceedings conducted against some persons accommodated in these accommodation centres are not criminal but mandatory. Under the Foreigners Act, the protection measure of expulsion can be meted against foreigners who do not abide by the regulations of the Republic of Croatia or they

can be denied stay in the administrative proceedings. A person who has not abided by the court or administrative ruling is expelled from the country by force. However, if such expulsion is impossible for some reason (lack of travel documents, visa or, in the case of persons from Bosnia and Herzegovina, war operations), they are sent to a temporary accommodation centre. Magistrates and competent police authorities are obliged to serve the ruling on the measure meted out to the person concerned. If the foreigner has a travel document, they enter the measure in the passport.

If the ruling on one of these measures is handed down, the foreigner cannot regulate his stay in the Republic of Croatia, otherwise the measure would be pointless. In connection with the statement from the Report that some of the foreigners are stateless, we wish to point out that some of them, for various reasons, do not have any document proving their citizenship, but it has been established in some other way. No cases of persons with the status of a stateless person have been registered with the Ministry of the Interior of the Republic of Croatia.

It is also worth mentioning that, in some justified cases, the Ministry of the Interior of the Republic of Croatia recognizes the place of residence in Croatia of foreigners who have not abided by the regulations in force and should therefore leave the territory of the Republic of Croatia, but have not committed any serious criminal offence and have family and property in the Republic of Croatia. There are 61 such cases in the Republic of Croatia at the moment.

Paragraph 115)

The foreigners centre in Dugo Selo is temporary, and after the refugees move out of the "Ježevo" facility, it will be turned into an appropriate housing facility. In this way the Republic of Croatia will get an accommodation centre for foreigners fulfilling all defined standards.

In spite of the conditions at this facility not being as may be desired, they still meet the regular needs of the accommodated persons. Meals are being served regularly, the necessary hygienic requirements are provided and controlled as well as the medical care; contacts to the humanitarian organizations and embassies are possible at any time; foreigners are by no means kept at the facility any longer than provided for by regulations. It should be noted that in this center for foreigners, just like in the other two, not a single foreign citizen has been kept who had not been duly sentenced in regular proceedings.

Paragraph 116)

On this occasion we once again point out that the Republic of Croatia has at no time considered terminating the refugee status of the persons from the territory of the Republic of Bosnia-Herzegovina. The decision not to grant the refugee status to the

persons coming to the Republic of Croatia from the territory of the Federation of Bosnia-Hercegovina after 9 September, has been made in consultation with the authorities of the Republic of Bosnia-Herzegovina. We emphasize that in the implementation of this decision the Republic of Croatia fully respected the provisions of the international instruments and the recommendations by the UNHCR.

According to the latest report by the Government's Office for Displaced Persons and Refugees from 25 January 1995, the Republic of Croatia is accommodating 191.446 displaced persons from the occupied areas of the Republic of Croatia, whereas 56.887 such persons are accommodated abroad.

At the same the Republic of Croatia is accommodating 187.188 refugees from the territory of the Republic of Bosnia-Herzegovina. The total number of displaced persons and refugees on the territory of the Republic of Croatia is 383.700 persons.

Paragraph 119)

With regard to the transfer of refugees from the refugee center of Borozija to other refugee centers from 13-28 July 1994, we point out once again that there have been no consequences for the health of the refugees. No force was ever used against the refugees nor was anybody denied refugee status or stay in the Republic of Croatia. In more than 30 % of all centers for displaced persons and refugees there are persons of different ethnic and religious background; according to the information by the Government's Office for Displaced Persons and Refugees not a single case of violent ethnic or religious conflict has been recorded so far. Please find enclosed the latest report on the number of displaced persons and refugees on the territory of the Republic of Croatia.

Recruitment, military service and conscientious objection

Paragraph 120-123)

With regard to the statements of the Ninth Report under the title of "Recruitment, military service and conscientious objection" we point out that in compliance with the provisions of Art. 47 of the Constitution of the Republic of Croatia and the Defence Act, military service and defence of the Republic is duty of all its able citizens. Accordingly, all Croatian citizens regardless of their ethnic or other background, are to perform their military service under the conditions provided by the Defence Act. In case of disobedience, appropirate measures are taken against any such persons.

The regulations concerning the optional civilian service made it possible for all those who on account of their religious or moral beliefs were not prepared to take part in the military service in the armed forces to submit to the Commission for Optional Civilian Service an application for optional civilian service instead of the military one. Military reserve members and recruits who failed to submit the application could do it in the period from 20 November 1991 to 26 May 1994. As can be seen from the

abovementioned dates, individuals had enough time to express their desire for an optional civilian service.

The question of the conscientious objection or optional civilian service in the Republic of Croatia has been regulated in accordance with the solutions in most of the West European countries, with some of the solutions (e.g. duration of service, rights and obligations) being even more liberal towards an individual than the abovementioned foreign solutions.

Provisions on the non-use of weapons or force are applied to the persons who ahave been accepted as opters for the civilian service.

According to the information of the Commission for the Optional Civilian Service with the Ministry of Justice of the Republic of Croatia, from the total of 641 applications submitted, 419 have been granted, 144 were submitted after the time to do it had already expired, and 78 applications have still not been decided on.

Before the Commission for the Optional Civilian Service of the second instance there came a total of 19 complaints against the first instance decisions, of which 9 were rejected.

Situation in UNPAs

With regard to the situation in UNPAs, the Republic of Croatia expresses its special gratitude to the Special Rapporteur for the review of the state of human rights on the occupied territories of the Republic of Croatia. It follows from the indications of the Ninth Report that a complete lack of the rule of law as well as the continuing violation of human rights of the remaining non-Serb population can be noted.

From 1991, more than 1.000 mostly older civilians have been killed and massacred on the occupied territories of the Republic of Croatia; in Vukovar alone more than 1.850 Croatian civilians were killed in most cruel manner, and 1.228 are still missing.

The total number of the missing persons from the territories under the Serb occupation is 1.607.

Conclusions and recommendations

Paragraph 125)

With regard to the conclusions and recommendations set forth in the Ninth Report, we wish to point out that the Special Rapporteur's impression that there was no appropirate response to some of his earlier warnings is wrong. The reports by the Special Rapporteur are a stimulus to reconsider the facts and respond in case of unlawful or wrong procedure. The Government of the Republic of Croatia pays special attention to

providing for the status of ethnic minorities in the Republic of Croatia.

Paragraph 126)

With respect to the arrests of persons without valid stay permits, the situation is slowly changing in accordance with the efforts to resolve the conflict on the territory of the former Yugoslavia. The Republic of Croatia sentences such persons irrispective of their origin, race, sex and religion, in the course of which persons without citizenship enjoy special protection in accordance with the international committments of the Republic of Croatia.

Paragraph 127)

The Republic of Croatia has in its Constitution proclaimed its committment to the independence of judiciary by accepting the principle of the separation of powers. We emphasize that the beginning of the operation of the High Judiciary Council in appointing judges for lifetime mandates will be a step further in the practical strengthening of the independent and unbiased judiciary.

Paragraph 128)

With regard to the forceful evictions, on this occasion we reiterate that a procedure for checking the compliance of the legal grounds for such evictions with the Constitution is under way before the Constitutional Court of the Republic of Croatia.

Paragraph 129 and 130)

The Government of the Republic of Croatia fully supports the recommendations of the Special Rapporteur with regard to the required urgent humanitarian aid for displaced persons and refugees accommodated in the Republic of Croatia as well as allowing entrance to all bona fide refugees from the Republic of Bosnia-Hercegovina on their way to third states.

Paragraph 131)

The Government of the Republic of Croatia points out that the conscientious objection is a new institute in the legal system of the Republic of Croatia. We emphasize that this institute is applied notwithstanding the very difficult situation the Republic of Croatia is faced with, and it can be taken as a proof of maximum respect for individual rights and freedoms of the citizens of the Republic of Croatia.

Paragraph 132)

The Government of the Republic of Croatia takes significant measures for improving the regard for human rights in the Republic of Croatia. On this occasion we would like to inform the Special Rapporteur that in compliance with his recommendations the Republic of Croatia has requested the Technical Assistance Branch of the UN Human Rights Center in Geneva to participate in projects intended for education of human rights experts.

Courtesy translation

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Class: 520-01/94-10/5
No. 534-01-94-0002
Zagreb, 7 December 1994

MINISTRY OF FOREIGN AFFAIRS
Deputy Prime Minister of
the Republic of Croatia
and Minister for Foreign Affairs
Dr. Mate Granić

Dear Mr. Deputy Prime Minister,

Further to your letter of 17 November 1994 and the Ninth Report by Mr. T. Mazowiecki, Special Rapporteur for Human Rights for the territory of former SFRY, and the accusations under the paragraph "Treatment of Minorities", on page 20, I state as follows:

This paragraph includes a completely wrong and unargumented accusation that I have participated and deliberately induced a mass media campaign against the medical personnel of the hospital in Rovinj of Serb nationality. In this paragraph Mr. Mazowiecki accuses me of saying, in an interview for "Novi list" of 24 February 1994, that the conflict between Croatian war veterans and Serbian doctors was caused by the presence of Serbian personnel in a Croatian hospital. Please forward this answer to Mr. Mazowiecki and insist on the issue of denial, because an unauthorized interview or an unauthorized answer of a member of the government in a newspaper article cannot be taken as a proof for activities of that member of the government, nor as a proof against the state. I also wish to point out that, in a democratic society, no one is called to account for a text invented by a journalist, which is probably not new to Mr. Mazowiecki. I had never before read the mentioned article nor had any contacts with its author. Further in the text, with an explicitly accusing tone, Mr. Mazowiecki singles out the following sentence from my alleged statement: "In the centre of Istria - in Rovinj (the hospital in Rovinj is meant), the population structure is such that 30% of the hospital personnel is not of Croatian origin." This sentence, taken out of a statement I have given for the radio, not for newspapers, offers a completely wrong picture, repeatedly abused by Mr. Mazowiecki. I have already contacted that gentleman in a written form several times, denying some of his allegations about by

statements, but each time without any results. My full statement was that the ethnic structure in that hospital was similar to that of former Yugoslavia and that, because of that, we must have a lot of understanding for solving of all problems. It is true that there are doctors of Serb nationality in that hospital, and that Croatian soldiers and war veterans have certain objections to them. However, equally true is that nothing has happened to any of these doctors and that I personally spoke to them in order to smooth over the conflicts. The accusations by Mr. Mazowiecki have the opposite effect of what we want to achieve, and that is to enable these doctors of Serb nationality to do their job undisturbedly. Neither is it true that I said that the problem in the hospital could not be solved as long as our war veterans and that personnel were in the same hospital. The invented statement is best denied by the present situation. The mentioned doctors still work and war veterans are still treated in that hospital. In the same report Mr. Mazowiecki states that we have checked the work status of one of the employees of Serb nationality. It is, of course, true. Applying the law of the Republic of Croatia, we have checked work permits of foreigners. Mr. Mazowiecki should know that the Croatian state, just as all other European states, sets the work permit as the pre-requisite for the employment of foreigners. One foreigner in the Rovinj hospital did not have the work permit, and the usual legal proceedings were initiated against him. I point out that it was not one of the doctors of Serb nationality with Croatian citizenship, but another person with foreign citizenship. Mr. Mazowiecki should be asked to check his allegations and take an unprejudiced stand on the issue of the hospital in Rovinj in the next report, because he will thus actively contribute to the correction of the consequences of the aggression against Croatia.

It should be proposed to Mr. Mazowiecki that he, before publishing the accusations, check the allegations in this Ministry, whose doors are always open to him. None of the doctors of Serb nationality who did not flee to the aggressor's side at the beginning of the aggression against Croatia, has had nor will have any problems in their work.

Dear Mr. Deputy Prime Minister, please forward this answer to Mr. Mazowiecki.

Sincerely yours,

M I N I S T E R
Prof.Dr.Sc. Andrija Hebrang